

December 20, 2000

Refer to: HSA-1/B34D

Mr. Sam Arnold  
President  
Guardian Safety Barrier  
6280 S. Valley View Boulevard, Apt. 110  
Las Vegas, NV 89118

Dear Mr. Arnold:

The purpose of this letter is to reestablish the fact that the Guardian Safety Barrier with the "350 Highway Kit," as originally tested and as shown as an enclosure to this letter, remains an acceptable product for use on the National Highway System (NHS) as an National Cooperative Highway Research Program Report 350 test level 3 (TL-3) temporary traffic barrier.

Mr. Dwight A. Horne's August 5, 1998, acceptance letter to Mr. David Wasserstrom for the **Roadguard Barrier System** with the "350 Highway Assembly Kit" inferred that the **Guardian Safety Barrier** was no longer being manufactured or distributed under that name. You have alleged that Mr. Wasserstrom was not the patent holder of the Guardian Safety Barrier at the time his request for the name change to Roadguard Barrier System was made. Furthermore, you have provided Mr. Richard Powers of my staff with copies of documents from the U.S. Patent and Trademark Office indicating that you are the current holder of registered patents for both the Guardian Safety Barrier and the "350 Highway Kit," and advised him that your product remains on the market.

In your November 30, 2000, letter to Mr. Frederick Wright, you requested that the Federal Highway Administration rescind its August 5, 1998, acceptance of the Roadguard Barrier System with the "350 Highway Kit." I understand that litigation regarding possible patent infringement may be underway or contemplated by your company. Until the courts have made a decision in this matter, however, I can only reiterate that your Guardian Safety Barrier, with the "350 Highway Kit" is fully acceptable for use as a temporary barrier on the NHS when selected for use by the appropriate contracting authority.

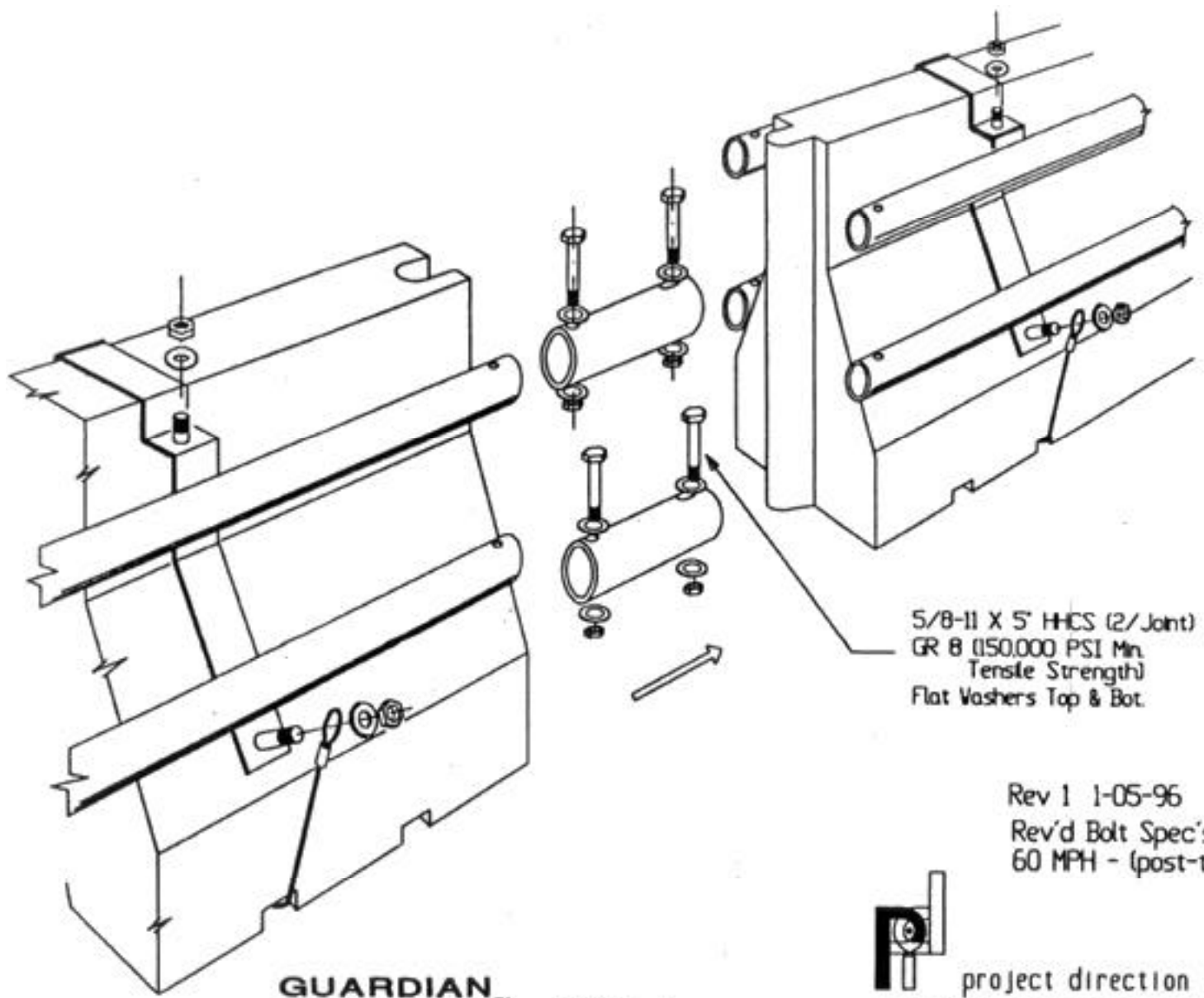
Sincerely yours,

(original signed by Frederick G. Wright, Jr.)

Frederick G. Wright, Jr.  
Program Manager, Safety

Enclosure

FHWA/HSA-1:RPowers:dbx:61320:12/20/2000  
cc: HSA-1(Render, Chron File, R Powers)



**GUARDIAN**  
350 HIGHWAY KIT™ LEVEL 3

5/8-11 X 5" HCS (2/Joint)  
GR 8 (150,000 PSI Min.  
Tensile Strength)  
Flat Washers Top & Bot.

Rev 1 1-05-96  
Rev'd Bolt Spec's For  
60 MPH - (post-test)



project direction inc.  
SBSKIT60.GCD